

EXHIBIT 8

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

SUVERINO FRITH et al, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

WHOLE FOODS MARKET, INC.

Defendants.

Case No. _____

**AFFIDAVIT OF CAMILLE TUCKER-TOLBERT IN SUPPORT OF
PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

I, Camille Tucker-Tolbert, hereby declare:

1. I have personal knowledge of the facts set forth in this declaration and could and would testify competently to them.
2. I have been working as an employee for Whole Foods for approximately four months. I am Black.
3. I work at the Whole Foods located at 2210 Westlake Avenue, Seattle, Washington.
4. Due to the onset of the COVID-19 pandemic, Whole Foods requires all its employees wear a mask to work.
5. Following the death of George Floyd and demonstrations springing up across the country in support of the Black Lives Matter movement, I decided to wear a mask on the Juneteenth (June 19) holiday, in order to assert my right to be free from discrimination.

6. After a couple hours, my manager came up to me, while I was working in the back (far from customers) and told me I was in violation of the dress code policy and had to go home.
7. I wore my Black Lives Matter mask again the next day, and was again approached by management and given more in-depth reasoning about why the mask was in violation of the dress code.
8. I was told that if I continued to wear my masks I would be placed on a corrective action pathway, which is a Whole Foods policy that requires re-training and is, essentially, a means of discipline.
9. I continued to wear the Black Lives Matter mask despite the discipline and retaliation I faced, and every time I wore the mask, I was written up.
10. On July 12, 2019, I was forced to resign. The day prior, I had reported my team leader for making what I felt were discriminatory and diminishing remarks about Black Lives Matter. After I had been sent home for wearing my Black Lives Matter mask to work, my team leader's demeanor towards me changed, and she wouldn't speak with me.
11. Before I was forced to resign, I had given the store my three week's notice after I decided to stop working there in response to how Whole Foods was reacting to the Black Lives Matter mask, by discriminating against its Black employees and then retaliating against us for continuing to protest the discriminatory policy of disciplining us for wearing the masks.
12. Before I was disciplined for wearing a Black Lives Matter mask, I had never been disciplined before.

13. In fact, a Whole Foods team leader named Mike who oversees the prepared foods department frequently commended me on my work, including my presentation of food and my ability to keep the display wall filled with products throughout the day.
14. I feel discriminated against by Whole Foods for its failure to support me as a Black employee expressing that my life matters.
15. I expected that Whole Foods would support us in wearing the Black Lives Matter masks because the company claims to be inclusive and support all of its employees and has publicly supported the movement.
16. Whole Foods claims that it is disciplining us because the Black Lives Matter masks violate the dress code policy, which prohibits employees from wearing clothing with visible slogans, messages, logos, or advertising that are not company-related.
17. However, Whole Foods has not consistently enforced this policy. For example, I have worn ripped jeans to my shift, which violated the dress code, but was not disciplined in any way.
18. I believe that Whole Foods is selectively enforcing its dress code to discipline employees for wearing Black Lives Matter masks, by writing people up and, at times, sending people home.
19. I wanted to keep working at Whole Foods but simply feel unwelcome there now. I cannot remain at a store that has used its dress code as a cover to effectively ban Black Lives Matter masks and discriminated and retaliated against me for attempting to speak out against the policy and improve my working conditions.

This has been an incredibly difficult experience for me, and I want the company to correct its wrong.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 07/18/2020

A handwritten signature in cursive script that reads "Camille Tucker-Tolbert".

Camille Tucker-Tolbert